

## CHAPTER 3. SELECTED PRACTICES

### SECTION 3. MAJOR CHANGES IN OPERATING AUTHORITY

**201. PURPOSE.** This section contains direction and guidance to be used by certificate managers and principal inspectors for processing an operator's application for a major change in operating authority. There are three circumstances that constitute a major change in authority:

*A. Transitioning to a Different Part.* An operator may transition from one operating rule to another. For example, a Part 135 operator may wish to introduce into its operations an aircraft type having a seating capacity of more than 30 passengers or a maximum payload capacity of more than 7,500 pounds. The operator would require Part 121 operations specifications (OpSpecs) and Department of Transportation (DOT) authority to operate that type of aircraft.

*B. Additional Operations Under a Different Part.* An operator may request to conduct additional operations that are governed by another Part of the Federal Aviation Regulations (FAR). For example, a Part 121 operator may wish to introduce a helicopter shuttle service into its operations. The operator would have to demonstrate the ability to meet the Part 135 certification requirements to obtain OpSpecs to conduct the shuttle operations.

*C. Additional Operations Under the Same Part.*

*(1) Domestic, Flag, and Supplemental Operations.* An operator authorized to conduct any of these types of operations may request authority under the same Part to conduct operations that were not previously authorized. For example, a Part 121 supplemental operator may apply to conduct domestic or flag operations.

*(2) Requests for Simultaneous Authority to Conduct Interstate and Intrastate Operations.* Some operators have, in the past, requested authority to engage in scheduled, intrastate, passenger-carrying operations while also conducting an interstate, on-demand operation under Part 135. Intrastate operations are considered common carriage and are not under the jurisdiction of the DOT. As such, intrastate operators cannot participate in interline agreements with air carrier certificate holders or carry mail. In addition,

it is the DOT's position that an air carrier may not perform one kind of service under DOT authority while also performing another service outside of DOT jurisdiction. Thus, an operator holding an air carrier certificate cannot conduct both interstate, on-demand and intrastate, scheduled, passenger-carrying operations. If an operator requests certification for both interstate and intrastate scheduled operations as indicated in this subparagraph, the Air Carrier Fitness Division (P-56) of the DOT should be notified at (202) 366-2341.

*(a) Certification Procedures.* The certification procedures for scheduled, intrastate operations under Part 135 should be identical to those required for commuter air carriers, assuming the frequency of operation meets the commuter definition. Since intrastate operators are considered to be conducting common carriage, an Operating Certificate (FAA Form 8430-21) shall be issued in accordance with volume 2, chapter 1, section 2. Operators must surrender to the FAA any previously issued air carrier certificate and the OpSpecs paragraphs that authorize interstate operations.

*(b) Pilot Requirements.* The OpSpecs issued must contain the following statement as additional text in paragraph A8: "Notwithstanding the applicability to commuter air carrier operations, a pilot must meet the requirements of FAR §§ 135.243(a), 135.244 and 135.105(a) before being assigned as pilot in command in intrastate scheduled operations." Because the scheduled operation as a "common carrier" would be identical to a commuter operation, it is appropriate to require the same pilot requirements. These must be shown on the OpSpecs because the specific Part 135 rules apply only to commuter "air carriers." The provisions in FAR § 135.11(b)(2)(vii) apply.

**NOTE: A person holding an operating certificate may be authorized to conduct "on-demand" operations as a common carrier, but is limited to intrastate operation. Interstate operation would be limited to private carriage as a contract carrier, and holding out to the public to provide air transportation is not permitted.**

**202. APPLICATION AND APPROVAL PROCESS.**

Managers and principal inspectors should view an operator's application for a major change in operating authority as a partial recertification of the operator. (The full approval process is described in volume 2, chapter 2 of this handbook.) The certificate manager or the Flight Standards District Office (FSDO) having responsibility for the operator shall form a certification team and appoint a team leader, preferably one of the principal inspectors. The certification team shall comply with the following guidelines:

*A. Preapplication Phase.* In the preapplication phase, the certification team and the operator shall decide what documents the operator must create or modify and what type of proving or validation tests the operator must conduct (see volume 3, chapter 9).

(1) *FAA Form 8400-6.* The certification team leader shall ensure that the operator completes an FAA Form 8400-6, Preapplication Statement of Intent (see figure 2.2.1.1.).

(2) *Compliance Statement.* The operator will be required to develop a formal compliance statement for those rules that apply to the new operations.

(3) *Use of Job Aids.* The certification team shall use the applicable Air Carrier Certification Job Aids (see figures 2.1.1.1. through 2.1.1.3.) to determine the required actions. The "Date item accomplished/ready for FAA insp." column of the job aid shall be marked "N/A" for those items that will not be required. When

proving or validation tests are required, the team shall use the job aid in figure 3.9.2.1., Part 121/135 Proving and Validation Test Job Aid. The certification team leader shall, at this stage, coordinate with the appropriate Regional Flight Standards Division (RFSD). The RFSD should coordinate with AFS-510 if there are unresolved issues or if additional guidance is required.

*B. Formal Application Phase.* The certification team leader shall ensure that the operator submits a formal letter of application. The application must contain those attachments listed in volume 2, chapter 2, section 2, paragraph 85, which have been determined as applicable to the specific case in the previous phase.

*C. Document Compliance Phase.* In the document compliance phase, the process described in volume 2, chapter 2, section 3 is applicable.

*D. Demonstration and Inspection Phase.* In the demonstration and inspection phase, the certification team shall ensure that the applicable events of the job aid are accomplished; otherwise, the guidance in volume 2, chapter 2, section 4 is applicable. Since unique circumstances surround each recertification, the certification team leader shall ensure that the RFSD concurs before closing this phase.

*E. Certification Phase.* In the certification phase, the certification team shall follow the guidance in volume 2, chapter 2, section 5.